

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MORRIS BICKLEY, et al.,

Plaintiffs,

No. C 08-05806 JSW

v.

SCHNEIDER NATIONAL CARRIERS, INC.,

Defendant.

**ORDER GRANTING MOTION TO  
STAY**

Now before the Court is the motion filed by Defendant to stay this action pending the appeals before the Ninth Circuit of *Dilts v. Penske*, 819 F. Supp. 2d 1109 (S.D. Cal. 2011) and *Campbell v. Vitran*, 2012 WL 2317233 (C.D. Cal. June 8, 2012).

“[T]he power to stay proceedings is incidental to the power inherent in every court to control disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). “The exertion of this power calls for the exercise of sound discretion.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Accordingly, it is within this Court’s discretion to determine whether a stay is warranted. The competing interests that a district court must weigh in deciding whether to grant a stay include: (1) “possible damage which may result from granting a stay, (2) the hardship or inequity which a party may suffer in being required to go forward, and (3) the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.” *Id.* (citing *Landis*, 299 U.S. at 254-55). A stay may be the most efficient and fairest course when there are “independent proceedings

1 which bear upon the case.” *Levy v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir.  
2 1979).

3 Defendant seeks to stay this matter pending resolution of the appeals filed before the  
4 Ninth Circuit regarding the issue of whether meal and rest break claims under California law are  
5 preempted by the Federal Aviation Administration Authorization Act (“FAAA Act”).

6 Defendant has argued that this Court should grant it summary judgment on all of Plaintiffs’  
7 claims based on this preemption issue. The Court still finds that a stay of these proceedings,  
8 pending resolution of the pending appeals before the Ninth Circuit, would further judicial  
9 economy and efficiency. Accordingly, the Court HEREBY GRANTS Defendant’s motion to  
10 stay. The parties shall update the Court by joint submission within five court days of resolution  
11 of the appeal, or every 120 days, whichever is sooner.

12 **IT IS SO ORDERED.**

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14 Dated: January 22, 2013

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17 JEFFREY S. WHITE  
18 UNITED STATES DISTRICT JUDGE  
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